

**REMARKS**

Reconsideration of all grounds of objection and rejection, and allowance of all the pending claims are respectfully requested in light of the above amendments and the following remarks.

I. The drawings have been modified to overcome the Examiner's objection to showing the text device and speech processor. Copies of the drawings cited for having margin problems are also included.

II. All embedded hyperlink and/or forms of browser-executable code have been removed.

III. **Rejection of claims 2, 4, 5, 7, 9, 10, 12, 15 and 19 under 35 U.S.C §112, first paragraph:**

Applicants have amended the claims to recite that nodes are generated in accordance with a specified pseudo-code, shown in Fig. 2b and described in accompanying test in the specification.

With regard to the rejection of claims 2, 7 and 12, Applicants strongly disagree with the allegation on page 3 of the Office Action that the XML document templates indicate they are used for transforming text into XML. The XML document templates provide a blueprint for how the textual information should be decomposed into sub-trees comprising one or more content nodes the XML tree so as to be sent by the transmitter as encoded XML. Please see Figs. 1 and 3, and coupled with the pseudo-code in Fig. 2b

and the sketch in Fig. 2A (according to the code in Fig. 2B). Based on the previous mentioned drawings, an artisan readily understands the claimed subject matter and finds enablement.

With regard to the rejection of claims 4, 5, 9, 10, 14, and 15, Applicants respectfully submit that text input and speech recognition input are well known in the art, and an explanation of something that well known might have unnecessary obscured the claimed subject matter of application with unnecessary background detail. The text could come from a data storage area or be typed in by a user, or come from someone speaking into a speech recognition system. A person of ordinary skill in the art understands, for example, that the typing of text creates, for example, an ASCII representation that is stored in storage, or forwarded for execution. A speech recognition system essentially does the same thing, which is to transform speech into code, only in this case the sounds uttered by the speaker are represented by electrical signals prior to representing them as text in a code such as ASCII. Speech recognition is well-known, and a person of ordinary skill in the art understands that for the purposes of the invention, all that is required is an output of the speech recognition system.

With regard to claim 19, Applicants respectfully submit that the arrangement of nodes would be performed according to the indication in the structure nodes. Whereas prior art systems would stop and not construct a tree if something was missing, the instantly claimed invention permits construction of the tree, even with some data from a certain node being missing. Each sub-tree from the larger XML document tree can be parsed and validated by the XML receiver as if it is an independent tree.

For all the foregoing reasons, it is respectfully submitted that all of the instant claims are enabled to a person of ordinary skill in the art.

**IV. Rejection of claims 1, 3 and 23 under 35 U.S.C. §102(a) in view of “XML Fragment Interchange”:**

It is respectfully submitted that none of the instant claims are anticipated by the publication entitled XML Fragment Interchange. Applicants have amended base claims 1 and 23 to recite that at one or more structure nodes is associated with the content nodes of a sub-tree for indicating where the content nodes are positioned as at least one sub-tree within a larger XML document tree. It is respectfully submitted that the “XML Fragment Interchange” fails to disclose or suggest structure nodes associated with respective sub-trees, so that the respective sub-trees can be arranged even without all of the node information being received. Nor would the instantly claimed invention have been obvious to a person of ordinary skill in the art in view of the cited reference.

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

**V. Rejection of Claims 2, 4, 6-9, 11-14, 16-22 and 24-27 under 35 U.S.C. §103(a) over XML Fragment Interchange, and the rejection of claims 5, 10 and 15 further in view of Dietz:**

In accordance with reasons previously discussed, it is respectfully submitted that none of the instant claims would have been obvious to a person of ordinary skill in the art in view of the cited reference.

Although the Examiner admits that the cited XML Fragment Interchange reference does not disclose decomposing the document into a plurality of trees, it is his

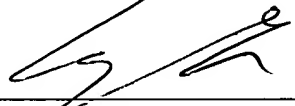
contention that it would have been obvious to do so. Applicants respectfully disagree that a person of ordinary skill in the art would have found it obvious to provide a plurality of sub-trees each having a respective structure node. As the resending of information is discussed in the cited reference as a problem with XML transmission, the “obviousness” gleaned from the reference does not in any way suggest, teach, or motivate the artisan to provide sub-trees. This claimed feature comes from Applicants instant claims and teachings, and not from the cited reference. Although some degree of hindsight is permissible in an obviousness rejection, Applicants respectfully submit that the degree of hindsight permissible as held by *In re Mclaughlin* has been exceeded in the instant rejection, because the obviousness is clearly gleaned from the Applicants, not from anything found in the reference. With regard to claims 5, 10 and 15, the addition of Dietz so a to provide a combination of XML Fragment Interchange and Dietz still fails in the combined teachings to disclose or suggest all of the instantly claimed features.

Reconsideration and allowance of this ground of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: March 18, 2003

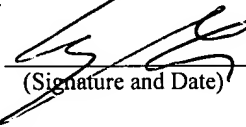
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Raymond J. Krasinski  
SERIAL NO.: 09/411,756 EXAMINER: Adam M. Queler  
FILED: October 4, 1999 ART UNIT: 2176  
FOR: METHOD AND APPARATUS FOR STREAMING XML  
CONTENT

Assistant Commissioner for Patents  
Washington, DC 20231

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MAR 27 2003  
Technology Center 2100

**VERSION WITH MARKINGS**

Dear Sir:

In response to the Office Action dated December 18, 2002, please amend the application as follows:

**IN THE SPECIFICATION:**

**Please replace the paragraph beginning at page 1, line 9 with the following paragraph:**

--The Extensible Markup Language (XML) is a standard for encoding textual information that has been recommended by the World Wide Web Consortium (W3C). For a discussion of the XML standard, see, for example "Extensible Markup Language (XML) 1.0 W3C Recommendation" [, <http://www.w3.org/tr/1998/REC-XML-19980210>], incorporated by reference herein. The XML standard allows XML-enabled applications to inter-operate with other compliant system for the exchange of encoded information.--

**Please replace the paragraph beginning at page 3, line 1, with the following:**

Media,” Network Working Group, Request for Comments No. 2354 (June 1998), [downloading from <ftp://isi.edu/in-notes/rfc2354.txt>,] incorporated by reference herein.

**Please replace the paragraph beginning at page 3, line 4, with the following:**

XMLNet is an application programming interface (API) for streaming XML documents. XMLNet allows information to be transferred over the Internet or another network in real time as a series of XML documents. The XML documents are delivered to the receiver in a serial fashion. The receiver must receive an entire XML document, however, before the receiver can decode and process any of the XML content contained in the XML document. For a discussion of XMLNet, see for example “XMLNet,” December 9, 1998 downloadable from [[home.earthlink.net/%7Earabbit/xmlnet](http://home.earthlink.net/%7Earabbit/xmlnet) (December 9, 1998)].

**Please replace the paragraph beginning at page 9, line 11 and ending at page 10, line 2, with the following paragraph:**

--The data storage device 320 includes a text source 350 that may be retrieved from memory or generated in real-time. Thus, the text source 350 may be a pre-recorded textual file, such as a database or another document, or a document generated in real time, for example, by a user entering textual information from a keyboard [(not shown)] 351 or by a speech recognition system [(not shown)] 352. The data storage device 320 also includes one or more XML templates 360 that indicates how the textual information

should be decomposed in constructing the XML tree 200, and the independent sub-trees. Thus, the XML transmitter 300 will process the text source using the identified XML template 360 to generate the transmitted content in a streamed XML format, in accordance with the present invention. As previously indicated, each transmitted sub-tree, such as the sub-tree 225, will include one or more content nodes and at least one structure node indicating how the sub-tree is positioned in the complete XML tree 200.--

**IN THE CLAIMS:**

1. (Amended) A method of encoding XML content, comprising the steps of:  
generating content nodes for transmitting content information; and  
generating at least one structure node [for identifying] associated with  
said content nodes [and] of at least one respective sub-tree for indicating where said  
content nodes are positioned as at least one respective sub-tree within a larger XML  
document tree.

2. (Amended) The method of claim 1, wherein said content nodes and said  
structure nodes are generated in accordance with a specified [document template]  
pseudo-code.

4. (Amended) The method of claim 1, wherein a text portion of said XML  
content is provided in real-time by a user operating a textual input device prior [is



generated] to being encoded into content nodes [in real-time by a user operating a textual input device].

5. (Amended) The method of claim 1, wherein a text portion of said XML content is [generated] provided in real time by a user operating a speech recognition system that converts speech to text prior to being encoded into content nodes.

9. (Amended) The method of claim 6, wherein a text portion of the nodes of said XML document is generated in real-time by a user operating a textual input device.

10. (Amended) The method of claim 6, wherein a text portion of the nodes of said XML document is generated in real-time by a speech recognition system that converts input speech to text.

15. (Amended) The method of claim 11, wherein a text portion of said XML content is generated in real time by user-operating a textual input device.

19. (Amended) The method of claim 16, further comprising the step of continuing to process subsequent nodes even of one of said nodes is not properly received by an XML receiver, wherein each sub-tree from the XML document is parsed and validated by the XML receiver as though it were an independent tree.

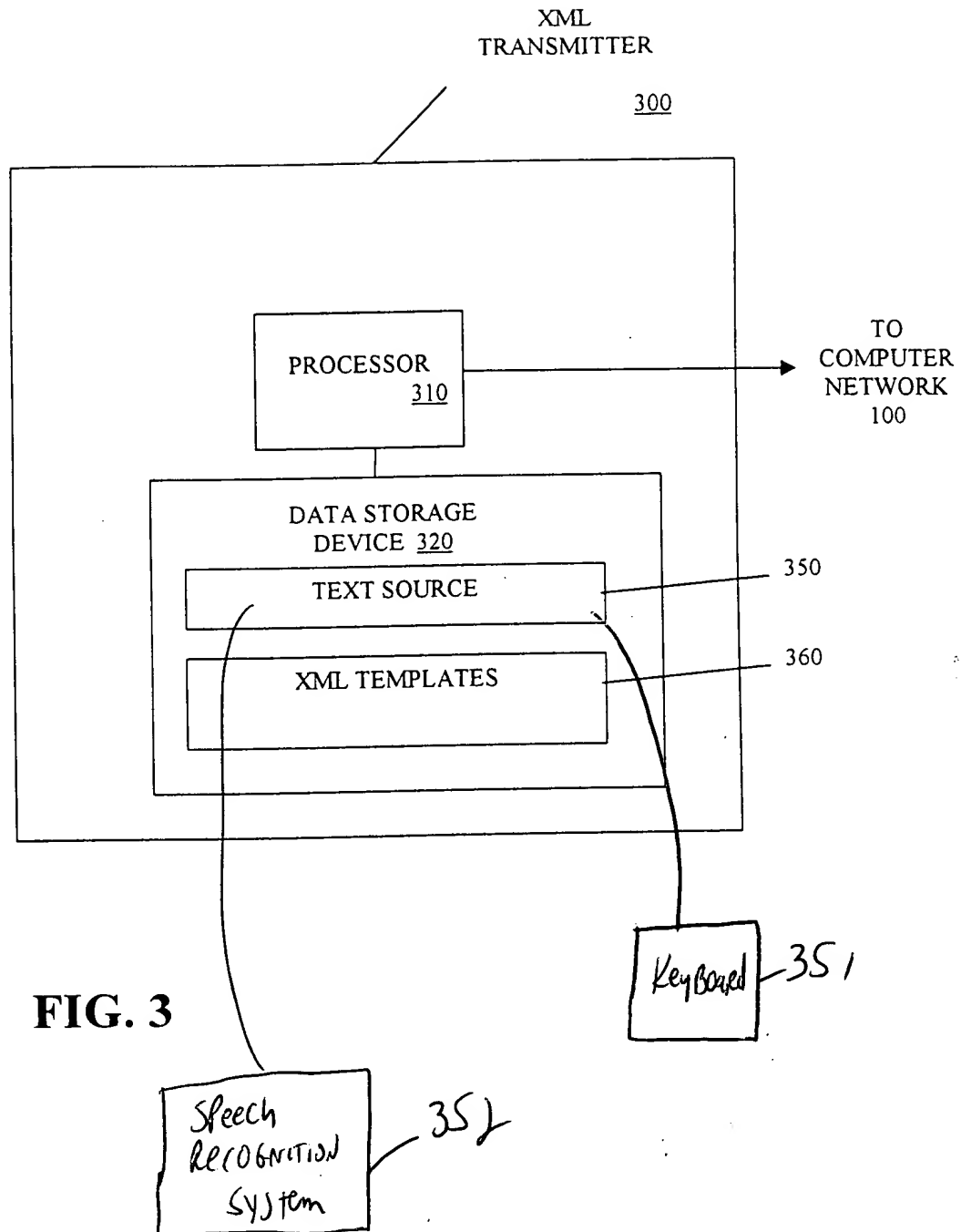
23. (Amended) An XML transmitter comprising:

a memory for storing XML content and computer readable code; and

a processor operatively coupled to said memory, said processor configured to:

generate content nodes for transmitting content information; and

generate at least one structure node [for identifying] associated with at least one respective sub-tree of said content nodes [and] for indicating where said content nodes are positioned in the at least one respective sub-tree within a larger XML document tree.



**FIG. 3**